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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Michael J. SHEA

Serial No. 09/541,986

Filed: April 3, 2000

For: EXERCISE APPARATUS



BOX: AF

Ref.: EX-2DC4

Group: 3764

Examiner: G. Richman

* * * * *

February 21, 2002

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

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REQUEST FOR RECONSIDERATION

This paper is responsive to the office action dated February 12, 2002 and is filed prior to the expiration of the three (3) month shortened statutory period for response set by the Examiner.

Applicant again requests return of initialed copies of the PTO-1449 forms submitted with the Information Disclosure Statements filed in this patent application on June 14, 2000; on April 24, 2000; and on April 3, 2000. For the Examiner's convenient reference, copies of these IDS's and of postcards stamped by the USPTO to evidence receipt of these IDS's are enclosed.

Applicant also again requests an indication that the formal drawings filed on April 3, 2000 are acceptable. For the Examiner's convenient reference, a copy of the Submission of Formal Drawings filed on April 3, 2000 is enclosed.

The pending claims were rejected as allegedly being clearly anticipated by "Netpulse." As noted in the Preliminary Amendment filed on April 3, 2000, this patent application is a

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continuation of Application No. 09/317,980, filed May 25, 1999, which is a continuation of Application No. 08/869,166, filed June 4, 1997, which is a divisional of Application No. 08/493,541, filed June 22, 1995. Page 1 of this application was amended to contain specific references to these earlier applications. The cited Netpulse articles "24 Hours Fitness Partners with Netpulse" and "Netpulse Makes Working Out More Than a Calorie-Burning Session" bear dates of March 1998, which is after the 1995 priority date of this patent application. The cited Ad Resource document referencing Netpulse is undated. Applicant encloses print-outs of a screen display and a printable version of what is believed to be the Netpulse article referenced in the Ad Resource document. The screen display print-out bears a date of October 1999, which again is after the 1995 priority date of this patent application. Because the cited Netpulse documents bear dates after the priority date of this patent application, withdrawal of the rejection based on these documents and allowance of the pending claims are respectfully requested.

Respectfully submitted,

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